

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

QUAN GUAN ZHENG,)	CIVIL ACTION NO. 1:18-cv-1301
Petitioner)	
)	(RAMBO, D.J.)
v.)	
)	(ARBUCKLE, M.J.)
JEFFERSON BEAUREGARD)	
SESSIONS, III, <i>et al.</i> ,)	
Respondents)	

ORDER TO SHOW CAUSE

Presently before the court is a Petition for Issuance of a Writ of Habeas Corpus filed by Petitioner Quan Guan Zheng (“Petitioner”) on June 28, 2018. (Doc. 1). Petitioner is a sixty-one (61) year old citizen of China. (Doc. 1, ¶ 5). Petitioner entered the United States legally on May 25, 2014, and was authorized to remain until November 23, 2015. (Doc. 1, ¶ 20). He remained beyond that date. *Id.*

On December 5, 2017, Petitioner was served with a Notice to Appear. *Id.* Petitioner filed an Application for Asylum. (Doc. 1, ¶ 21). On January 5, 2018, Petitioner’s Application was denied by an Immigration Judge. *Id.* His appeal of the Immigration Judge’s decision is currently pending. *Id.* Petitioner has been in the custody of the United States Immigration and Customs Enforcement since November 15, 2017. (Doc. 1, ¶ 22).

Petitioner is currently housed at York County Prison. (Doc. 1, ¶ 23). He alleges that, since February 2018, he has been suffering from a “rectal hemorrhage with likely hemorrhoids.” (Doc. 1, ¶ 24). He was sent for preliminary evaluation on May 1, 2018, but his requests for further medical attention have not been addressed by York County Prison. *Id.*

The named Respondents are: Jefferson Beauregard Sessions, III, in his official capacity as United States Attorney General; Kirstjen Nielsen, in her official capacity as Secretary of the Department of Homeland Security, Clair Doll, in his official capacity as Warden of York County Prison; and Richard P. Keuerleber, in his official capacity as York County Sheriff. At the time of filing, the Petitioner was being detained at York County Prison, thus Warden Doll is his custodian and the proper respondent to this Petition under Third Circuit precedent. *See* 28 U.S.C. § 2243; *Yi v. Maugans*, 24 F.3d 500, 507 (3d Cir. 1994). *But see Rumsfeld v. Padilla*, 542 U.S. 426, 435 n.8 (2004) (recognizing circuit split and declining to resolve it). The Petitioner, however, will not be required to submit an amendment. Instead, the Court will liberally construe the Petition as naming only the appropriate respondent. *See Maher v. Pa. Bd. of Probation & Parole*, No. 3:04-CV-1277, 2005 WL 1324879, at *1 n.2 (June 3, 2005). The required filing fee has been paid. Service of the petition will be ordered.

Petitioner requests that this Court order Respondents to file a response in three (3) days pursuant to 28 U.S.C. § 2238, which provides that “[t]he writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.”

The court determines that the clearest way to proceed is to apply the rules under 28 U.S.C. § 2254 pursuant to Appendix B of the Rules Governing Section 2254 Proceedings, Rule 1(b) (“ . . . The district court may apply any or all of these rules to a habeas corpus petition not covered by Rule 1(a).”).

IT IS HEREBY ORDERED THAT:

1. Petitioner’s application for issuance of a show cause order (Doc. 1) is **GRANTED**.

2. The Clerk is directed to serve a copy of the Petition (Doc. 1) and this Order on the Respondent Clair Doll and the United States Attorney in the manner prescribed by Rule 4, 28 U.S.C. foll. § 2254.
3. On or before Thursday, July 19, 2018, Respondent shall file an answer, motion, or other response to the allegations of the petition. *See* Rule 4, 28 U.S.C. foll. § 2254; Rule 5, 28 U.S.C. foll. § 2254.
4. Petitioner shall, if he so desires, file a reply to Respondent's answer or other pleading within fourteen (14) days after its service. *See* Rule 5(e), 28 U.S.C. foll. § 2254.
5. A determination as to whether or not Petitioner shall be produced for a hearing will be held in abeyance pending the filing of Respondent's answer or other pleading.

Date: June 29, 2018

BY THE COURT
s/William I. Arbuckle
William I. Arbuckle
U.S. Magistrate Judge